IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Con.Case(C).No. 704 of 2007(S)

AGAINST THE JUDGEMENT IN OP.5327/2002 Dated 09/04/2002
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PETITIONER/PETITIONER:

P.D.DEVASYA, S/O.DEVASYA, AGED 46
YEARS, PULIMOOTTIL HOUSE, RAJAKKAD P.O.,
IDUKKI DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS/RESPONDENTS
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1. FAYAM CHATTERJEE, AGE AND NAME OF THE FATHER ARE NOT KNOWN TO THE PETITIONER, WORKING AS THE SECRETARY, DEPT OF WATER RESOURCES, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. C.E.JOHN, AGE AND NAME OF THE FATHER ARE NOT KNOWN TO THE PETITIONER, WORKING AS THE CHIEF ENGINEER, IRRIGATION, THIRUVANANTHAPURAM.

3. BALAN, AGE AND NAME OF THE FATHER ARE NOT KNOWN TO THE PETITIONER, WORKING AS THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, KATTAPANA.

4. LAILA, AGE AND NAME OF THE HUSBAND ARE NOT KNOWN TO THE PETITIONER, WORKING AS THE ASSISTANT ENGINEER, IRRIGATION SUB DIVISION, KATTAPANA.

BY SPECIAL GOVERNMENT PLEADER MR.C.T.RAVIKUMAR

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007 ALONG WITH CONT.CASE (C)NO.706 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Cont.Case (C) Nos.704 & 706 of 2007

Dated, this the 9th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

This Court while disposing of O.P.Nos.5307 and 5327 of 2002 by its order dated 9th April, 2002 had issued the following directions. They are as under:

> "(1) In cases where the admitted principal amounts have not been paid, the State Government shall pay the undisputed amounts on or before 30.6.2002, failing which the State Government shall be liable and bound to pay 12% interest per annum on the admitted amounts from the date of filing of the respective original petition.
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> (2) In cases where the direction to pay the admitted amounts on or before 30.6.2002 is to be complied with, and in cases where the principal amounts have already been paid before that date, the petitioners are at liberty to adopt appropriate proceedings before the civil court for recovery of the interest claimed by them on the amounts paid or to be paid on or before 30.6.2002."

2. The complainant before us in these contempt petitions, inter alia, alleges that the respondents though have paid the principal amount, have not paid interest at 12% per annum as directed by this Court in the aforesaid original petitions.

3. Now an affidavit is filed by the third respondent. In that it is stated that they shall pay interest at 7% per annum on the admitted amounts from the date of filing of the original petitions.

4. The request made by the respondent in the affidavit is not opposed by the learned counsel appearing for the complainant. Therefore, though we are not supposed to modify the orders and directions issued by this Court in a

contempt petition, taking into consideration the acceptance of the offer made by the contemnor, by the complainant, we now direct the contemnor to pay interest at 7% per annum on the admitted amounts to the complainant from the date of the petition till the date of payment. Such payment shall be made by the contemnor within three months from today.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns